



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,785	02/20/2004	Gary I. Wurtzel	026606-001000US	6634
20350 7590 11/13/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER EVANS, KIMBERLY L	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 11/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/781,785

Applicant(s)

WURTZEL ET AL.

Examiner

KIMBERLY EVANS

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on February 20, 2004
2. Claims 1-38 are currently pending and have been examined.

Claim Rejections - 35 USC § 101

3. The following is a quotation of the first paragraph of 35 U.S.C. 101:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The aforementioned claims are directed toward providing information in relation to an electronic communication device via a data signal. However, under the current guidelines of 35 USC 101, computer software must be tangibly embodied on a computer readable medium, and, when executed by a computer processor, perform the steps of the software. In their broadest reasonable interpretation and in light of the specification, claims 1-14 as recited can be interpreted to be embodied on abstract mediums such as carrier waves and signals, and therefore not eligible for patent protection. Accordingly, these claims are not eligible for patent protection.

5. Claims 1, 14, 27, and 33 are rejected under 35 U.S.C. 101 because the claimed component is interpreted as being software per se; software does not fall within a statutory category of patentability. The dependent claims do not remedy this flaw and are also rejected.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- i. Determining the scope and contents of the prior art.
- ii. Ascertaining the differences between the prior art and the claims at issue.
- iii. Resolving the level of ordinary skill in the pertinent art.
- iv. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-10, and 14-26 are rejected as being unpatentable over Gagne', US Patent No. US 6,353,437 B1 in view of Davis et al., US Patent No. 5,764,980.

9. With respect to Claim 1,

Gagne' discloses the following limitations,

- *a pool of reusable characteristics; (see at least column 3, lines 10-14: "...membership of an object in a group is determined according to a defined membership rule, and parameters such as properties, operators, effects, constraints, expressions and the like can be defined for the groups and inherited by each member of the group...")*
- *wherein a member of the pool of available artists selects at least one reusable characteristic from the pool of reusable characteristics to develop a character or feature (see at least column 4, lines 4-6: "...At least one parameter, selected by the animator for application to the group, is then inherited by each member of the group...")*

Gagne' discloses all of the above limitations, Gagne does not disclose the following limitations, but Davis however as shown discloses,

- *a pool of available artists, (see at least Figures 5, 6a, and 6b, column 14, lines 21-31: "...During block 338 (FIG. 6a), the user at the requesting workstation sends a worklist request along with the host computer's and user's identification. At block 340, the requestor's credentials are received by the Animation Logistics System 23. During block 342, the Animation Logistics System 23 determines whether the host and user's identification are valid. If, for example, the user is not an authorized user of the system, then processing continues at block 344, during which a "invalid" message is sent back to the workstation over the first global area network 4 (FIGS. 1 and 3)...")*

It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the animation system of Gagne, specifically the membership rule with the Animation Logistics System (worklist acquisition/work selection routine) of Davis because it is an efficient means for communicating worklist requests and identifying authorized users.

10. With respect to Claims 2 and 16,

Gagne' and Davis disclose all of the above limitations, Gagne' further discloses,

- *wherein the pool of reusable characteristics contains meta-data relating to the character or feature.* (see at least column 1, lines 23-39: "...Generally in advanced animation systems such as the Softimage.vertline.3D V3.7 product, sold by the assignee of the present invention are defined in terms of objects, such as animated 3D models of characters, geometric objects (such as NURBS surfaces, etc.), static backgrounds, lights and cameras and animation information (such as position versus time information), etc. In Softimage.vertline.3D V3.7, once an object has been modeled, an animator can associate one or more function curves, or F-curves, with the object to define parameters that are animated with respect to time, such as position, scaling, color, etc. The animator can modify the animation of the object by modifying the associated F-curves and having the computer re-compute the animation according to the modified F-curve. In addition, an animator can apply properties to an object, such as highlighting, and special effects such as jitter, etc. and can specify lights and cameras to be associated with a particular object...")

11. With respect to Claims 3 and 17,

Gagne' and Davis disclose all of the above limitations, Gagne' further discloses,

- *wherein the meta-data includes at least one of a control button, a preset feature, a macro, and a computer program to control the at least one reusable characteristic.* (see at least column 5, lines 7-11: "...Function area 68 generally consists of a module bar 72 and toolbars 76 having buttons 78 which, as will be apparent, provide access to file management functions, animation functions and other functions available to the animator through the animation application software executing on computer 24. Display windows 64 include windows 64a, 64b and 64c showing front, perspective and right views

respectively of an animation and a schematic window 80 which displays a schematic representation of the hierarchy 82 of objects in the scene...")

12. With respect to Claim 4, and 18,

Gagne' and Davis disclose all of the above limitations, Gagne' further discloses,

- *wherein the pool of reusable characteristics is developed at least in part by an administrator.* (see at least column 5, lines 63-67: "...permitting an animator to define a dynamic group wherein the membership of objects in the group is determined according to a rule evaluated at appropriate intervals and each member of the group inherits the parameters, if any, defined for that group.

13. With respect to Claims 5, and 19,

Gagne' and Davis disclose all of the above limitations, Gagne' further discloses,

- *wherein the pool of reusable characteristics is developed at least in part by at least one member of the pool of available artists.* (see at least column 6, lines 1-6: "...Essentially, the animator defines a dynamic group by defining a membership rule for the group and can then, or subsequently, define one or more parameters to be applied to the group...")

14. With respect to Claims 6 and 20,

Gagne' and Davis disclose all of the above limitations, Davis further discloses,

- *wherein each member of the pool of available artists is reviewed by an administrator prior to entry into the pool.* (see at least column 9, lines 15-20: "...The production scheduling capability of Animation Logistics System 23 includes all of the functions that interactively allow an administrator or supervisory person to establish or change the production priorities in the computer animation production system 2...."; Figures 8a and 8b, column 12, lines 24-29: "...The ACCESS ARBITRATION routine (FIGS. 8a and 8b) (see Section IV(e)) determines the accessibility of a requested file by evaluating the permission status

level of the requesting user and the requested file and returns either an "access granted" or "access not available" message...")

It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the animation system of Gagne, specifically the membership rule with the Computer Animation Production System, Animation Logistics system and Access Arbitration routine of Davis because this would be an efficient means for limiting access to only those users with the proper authorization to the computer animation production system.

15. With respect to Claim 7 and 15,

Gagne' and Davis disclose all of the above limitations, Davis further discloses,

- *the member is selected based on at least one of a skill set, experience with a similar task, response time, cost, a national law, an international treaty, security, and a preference of a producer, director, or client. (see at least column 9, lines 15-19: "...The production scheduling capability of Animation Logistics System 23 includes all of the functions that interactively allow an administrator or supervisory person to establish or change the production priorities in the computer animation production system 2..."; Figures 4, 5, 8a, and 8b, column 12, lines 17-24: "...Referring to block 302 of FIG. 4, the routine WORK SELECTION (FIG. 5) (see Section IV(b)) is called to determine the production, sequence, and scene numbers (or identification) associated with a particular scene the user wishes to work on. During block 304, the ACCESS ARBITRATION routine (FIGS. 8a and 8b) (see Section IV(e)) is called to determine whether anyone else on the computer animation production system 2 currently has access to the requested scene..."*)

It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the animation system of Gagne, specifically the membership rule with the Animation Systems' Access Arbitration routine of Davis because this would be an efficient means for limiting access to only those users with the proper authorization to the computer animation production system.

16. With respect to Claim 8, and 21,

Gagne' and Davis disclose all of the above limitations, Gagne' further discloses,

- *the pool of reusable characteristics is configured to accept input to update the at least one reusable characteristic while the at least one reusable characteristic is in use.* (see at least column 6, lines 10-13: "...when an animator is interacting wit a scene, the membership rule can be evaluated after each user interface event so that the results of any changes made by the animator are shown to the animator as they are made...")

17. With respect to Claim 9, 10, 22 and 23,

Gagne' and Davis disclose all of the above limitations, Gagne' further discloses,

- *the member may update the at least one character or feature in a pool of characters or in a pool of features.*
- *an administrator may review the updated at least one character or feature prior to accepting the updated at least one character or feature.*

(see at least column 8, lines 34-39: "...Further, in circumstances wherein the animator is interactively modifying the angulation, evaluation of the group membership rules can be performed after each modification or user interface event (i.e.--mouse click, etc.) so that the animation is updated immediately to reflect The effect of changes made by the animator (i.e.- -when a rerender/redraw event occurs)...")

18. With respect to Claim 14,

Gagne' discloses the following limitations,

- *obtaining an animation project;* (see at least column 3, lines 36-45: "...According to another aspect of the present invention, there is provided an animation system to define and use rules-based groups of animation objects in an animation produced therewith. The system includes a storage device to store information defining animation objects and

animation information relating thereto, at least one output device to display a graphical user interface to a user, at least one user input device to receive input from a user and a computer operatively connected to the storage device, output device and the user input device..."

Gagne' does not disclose the following limitations, but Davis however as shown discloses,

- *disassembling the animation project into at least one individual task; assigning the at least one individual task to an artist* (see at least column 10, lines 60-67: "...The worklist provides an organization for which the users are provided work assignments for particular scenes, etc. The database for a partial list of the information stored in the worklist includes: 1) production number, 2) sequence number, 3) scene number, 4) scene footage...")
- *wherein the artist completes the at least one individual task using at least one characteristic stored in a pool of reusable characteristics.* (see at least column 10, lines 3-15: "...Each entry on the Production Management Database corresponds to one or more scene databases which contains all of the information related to a scenes' organization and its informational content. Specifically, the scene database contains all the information required to access any of the files associated with a particular scene including exposure sheets, binding lists, scene composite databases and tests. Exposure sheets contain the bulk of information regarding a single scene: items such as fielding, timing, motion, special effects, cel order, etc. They are organized in the scene database reflecting the structure of the production, that is, they are retrieved by the production, sequence and scene numbers...")

It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the animation system of Gagne, specifically the membership rule with Animation Logistics System of Davis because this is an efficient means of communication to users via the global area network.

19. Claims 11-13, and 24-26 are rejected as being unpatentable over Gagne', US Patent No. US 6,353,437 B1 in view of Davis et al., US Patent No. 5,764,980 in further view of Gardner et al., US Patent Application Publication No US2004/0225608 A1.

20. With respect to Claim 11, and 24

Gagne' and Davis disclose all of the above limitations. The combination of Gange' and Davis does not disclose the following limitations, but Gardner however as shown discloses,

- *the updated at least one character or feature is viewable by a customer.* (see at least Abstract: "...An electronic inserter, bill processing server and interactive bill presentation server are used to make the primary and secondary documents available for viewing by a user via the user's web browser..."; paragraph 26: "...This bill status update information typically includes the customer account number, the date the bill was run, whether the bill has been loaded, whether it has been accessed by the customer, whether it has been paid by the customer and the like. Some of this information as generated by the IBPS is received via communication path 48 from the customer at his or her computer via the associated browser software 54 that is run on the customer's computer 52...")

It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the animation system of Gagne, and the Animation Logistics System of Davis with the digital document delivery system of Gardner because this would be an efficient means for notifying, updating and presenting documents to users for viewing.

21. With respect to Claim 12, and 25,

Gagne', Davis, and Gardner disclose all of the above limitations. Gardner further discloses,

- *the customer may post feedback viewable by at least one of the member and an administrator.*(see at least paragraph 5: "...Conflicts in the routing rules are resolved

so that the message can be reformatted if needed, and feedback about the distribution can be provided to the sender so as to assist the sender in ascertaining the quality of service with respect to the delivery of the message to the recipient...")

It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the animation system of Gagne, the Animation Logistics System of Davis with the digital document delivery system of Gardner because this would be an effective means for customers to communicate with the digital document delivery system, obtain information therefrom, and perform tasks therewith.

22. With respect to Claim 13 and 26,

Gagne', Davis, and Gardner disclose all of the above limitations. Davis further discloses,

- *a messenger configured to notify at least one of the member and the administrator of the feedback.*(column 13, lines 57-65 thru column 14, lines 23-32: "...At block 340, the requestor's credentials are received by the Animation Logistics System 23. During block 342, the Animation Logistics System 23 determines whether the host and user's identification are valid. If, for example, the user is not an authorized user of the system, then processing continues at block 344, during which a "invalid" message is sent back to the workstation over the first global area network 4 (FIGS. 1 and 3). At block 350, the "invalid" message is received by the workstation 44-76.")

It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the animation system of Gagne, specifically the membership rule with Animation Logistics System of Davis because this is an efficient means of communication to users via the global area network.

23. Claims 27-38 are rejected as being unpatentable over Gagne', US Patent No. US 6,353,437 B1 in view of Turner et al., US Patent No. 6,747,650 B2.

24. With respect to Claim 27 and 33,

Gagne' discloses the following,

- *searching a pool of reusable characteristics for at least one first characteristic; (see at column 2, lines 33-36: "...The digital image data includes pixel characteristic information for image reproduction on the at least one information processing device..."; Figure 13, column 4 lines 16-21: "...FIG. 13 is a flow diagram which depicts the sequence of operations of the Animation Logistics System for searching each volume directory of a cluster in order to locate a requested digital image data file under control of the SEARCH EACH CLUSTER VOLUME DIRECTORY routine referenced in FIG. 12a...")*

Gagne discloses all of the above limitations, Gagne does not disclose the following limitations, but Turner however discloses,

- *identifying at least one second characteristic related to the at least one first characteristic; notifying a user of the at least one second characteristic; locating a file containing the at least one second characteristic; and providing the file. (see at column 1, lines 38-47: "... Still a further embodiment includes displaying a first object representing data corresponding to a first combination of variables and a second object representing data corresponding to a second combination of the variables with animation. The animation includes a first animation characteristic that is generally the same for both the first object and the second object to visually group both objects together, and a second animation characteristic that varies with the value of the one of the variables to visualize variation of the one of the objects between the first and second objects..."; column 2, lines 6-11: "...The objects of the visualization are each animated in accordance with the respective one of the object animation patterns with a first characteristic to indicate membership of the objects in a group and a second characteristic to indicate variation of the one of the data dimensions among members of the group....")*

It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the animation system of Gagne with the animation techniques of Turner because this

would be an efficient means for visualizing data with a computer system that represents the data relative to a number of variables and includes a number of data objects each representing a relationship to one of the variables.

25. With respect to Claims 28, and 34,

Gagne' and Turner disclose all of the above limitations, Gagne' further discloses,

- *wherein the pool of reusable characteristics is developed at least in part by an administrator.* (see at least column 5, lines 63-67: "...permitting an animator to define a dynamic group wherein the membership of objects in the group is determined according to a rule evaluated at appropriate intervals and each member of the group inherits the parameters, if any, defined for that group.

26. With respect to Claims 29, 30, 35 and 36,

Gagne' and Turner disclose all of the above limitations, Gagne' further discloses,

- *wherein the pool of reusable characteristics is developed at least in part by at least one member of the pool of available artists.* (see at least column 6, lines 1-6: "...Essentially, the animator defines a dynamic group by defining a membership rule for the group and can then, or subsequently, define one or more parameters to be applied to the group...")

27. With respect to Claim 31 and 37,

Gagne', and Turner disclose all of the above limitations. Turner further discloses,

- *identifying is based on at least one of a first identifier associated with the at least one first characteristic and a second identifier associated with the at least one second characteristic.* (see at least Figure 3, column 5, lines 65-67, thru column 6, lines 1-9: "...Subroutine 220 starts in stage 222 with the selection of an animation pattern to represent a dependence of one or more visualization objects on a variable. A pattern can be selected from a predefined list or a custom pattern defined by an operator through

appropriate interface logic executed by processor(s) 22. In one non limiting example, an operator defines the animation pattern by tracing a desired path of animated movement interactively...."; "...the selection of an animation pattern can include selecting an animation characteristic that is common to all visualization objects dependent on the variable to be represented by the animation pattern in stage 223...""))

It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the animation system of Gagne with the animation techniques of Turner because this would be an efficient means for providing varying animation patterns, specifically animation characteristics which can be selected in addition to common animation characteristics that can visually vary to indicate differences in level, value, and/or degree of the variable common to the objects of the group.

28. With respect to Claims 32, and 38,

Gagne' and Turner disclose all of the above limitations, Gagne' further discloses,

- *the pool of reusable characteristics is configured to accept input to update the at least one reusable characteristic while the at least one reusable characteristic is in use. (see at least column 6, lines 10-13: "...when an animator is interacting wit a scene, the membership rule can be evaluated after each user interface event so that the results of any changes made by the animator are shown to the animator as they are made...""))*

Conclusion

29. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Kimberly L. Evans** whose telephone number is **571.270.3929**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **John Weiss** can be reached at **571.272.6812**.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free). Any response to this action should be mailed to: **Commissioner of Patents and Trademarks**, P.O. Box 1450, Alexandria, VA 22313-1450 or faxed to **571-273-8300**. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**: Randolph Building 401 Dulany Street, Alexandria, VA 22314.

/KIMBERLY EVANS/Examiner, Art Unit 3629

November 10, 2008

/John G. Weiss/

Supervisory Patent Examiner, Art Unit 3629